CRMMO No. 78 of 2006.

25.9.2006 **Present:** **Mr. Atul Jhingan, Advocate, for the petitioner.**

Mr. T.S. Chauhan, Advocate, for the respondent.

After hearing learned Counsel for the parties and on perusal of the judgment dated 16th November, 2005 passed by the learned Chief Judicial Magistrate, Bilaspur and the judgment dated 17th July, 2006 passed by the learned Sessions Judge, Bilaspur disposing of the revision petition filed by the petitioner, I find that both the Courts below have concurrently held that the petitioner was earning substantial income and therefore he was liable to maintain his wife and on that basis awarded alimony in her favour to the tune of Rs.2,000/- per month. Both the Courts below have held that the petitioner owned a taxi and also used to drive it. Whereas the learned trial Magistrate has held that from this taxi the petitioner could be earning Rs.20,000/- per month, the revisional Court has held that such earning of the petitioner from the taxi could be Rs.10,000/- per month.

The petitioner's contention is that he has sold the taxi and therefore by implication he has not been earning this income, cannot be believed or relied upon because no evidence at all has been produced by the petitioner in the Courts below about the sale of the vehicle in question.

No interference is called for. The petition is dismissed.

Cr.M.P. No.345 of 2006.

In view of the dismissal of the main petition, this application does not survive and the same is dismissed.

September 25, 2006. **(V.K. Gupta),**
(rc) **Chief Justice.**